

2. Remarks.*a. Drawings*

The claim limitation objected to by the Examiner, and which serves as the basis for the Examiner's objection to the drawings, has been canceled from all pending claims. Accordingly, the only change made to the drawings in Applicant's November 22, 2005 response is the addition of reference number 34 to Figs. 1 through 3. The drawings are believed to be acceptable.

b. The § 112 Rejections

The claim limitation that forms the basis of the Examiner's rejection of all claims under § 112 has been canceled from all claims.

c. The Section 103 Rejections

Independent claims 1, 10 and 16 are amended herein to (a) claim a knife handle, and (b) incorporate the limitation that the ridges are arcuate. The arcuate ridge feature is not shown in or suggested by any of the references cited by the Examiner. Moreover, claim 16 includes a limitation that the direction of one set ridges is different from the direction of the other set of ridges. As shown especially well in Figs. 1, 2, 6 and 7, the ridges forward of neutral zone 70 curve around the neutral zone in the direction as if the neutral zone were at the center of a circle. The ridges rearward of the neutral zone curve the opposite direction, again as if the neutral zone were the center of a circle.

The arcuate ridge feature was formerly found in claim 8. In rejecting that claim the Examiner concedes that none of the primary references show arcuate ridges, but combines those references with Cavanagh, stating that "...it is old and well known in the art to have the outer surface of the ridges when viewed together as being arcuate in order to increase the gripping resistance between the user and the handle." Applicant respectfully disagrees with the Examiner's interpretation of the Cavanagh reference, and the premise for making an obviousness rejection, and on these bases traverse the rejection over the combination with Cavanagh.

By any reasonable definition, the word "arcuate" refers to a curve. In the Merriam-Webster Online dictionary (www.m-w.com), arcuate is defined as: curved

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like a bow. The definition is the same in Webster's New Collegiate Dictionary and other online resources. As described in the specification (e.g., pages 2 and 8, and the figures noted above), the ridges on the knife handle are *arcuate*—they are curved.

The spiraled handle grip shown in Cavanagh's disclosure does not show curved ridges, even when all of the ridges are viewed together; the ridges are defined by a spiral. At any given point on any given "ridge" the ridge is linear—that is the nature of a spiral such as that shown in Cavanagh. A spiral is formed by a linear line that is at either obtuse or acute angle (i.e., non-orthogonal) to an axis and which extends around the axis. With reference to Cavanagh, the axis would be the longitudinal axis through each coiled band / strip 2; the edges of the strip define a continually non-orthogonal and unchanging angle relative to the axis. While it is true that a spiraled member may be curved in certain forms (as in a coiled watch spring), that is a different form of a spiral and Cavanagh does not show such a structure. Instead, Cavanagh teaches a handle grip that has continuously spiraling ridges that are without exception linear.

A person of ordinary skill in the art would not find it obvious from the combination of references applied by the Examiner to arrive at the inventions claimed in independent claims 1, 10 and 16 and the Examiner has not made out a *prima facie* case of obviousness. The MPEP, in section 2143, sets forth what is needed for establishing a *prima facie* case of obviousness for rejecting claims under 35 USC § 103. The pertinent portion of that section is reproduced here:

"To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art,

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*not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).*"

The combination of Moyer, Khachatoorian, Crank and Cavanagh fails on all three criteria.

First, there is nothing in the prior art references cited by the Examiner that would suggest the desirability of the inventions claimed in the independent claims, explicitly or implicitly. Cavanagh describes a spiraled handle grip for a bicycle (with linear ridges) but does not suggest that it would be either desirable or beneficial in any way to modify the linear ridges to make them arcuate and use the modified ridges in a knife handle. Indeed, it is difficult to understand how Cavanagh's spiraled ridges could in fact be modified in order to make them arcuate, yet still function for Cavanagh's purposes. Accordingly, Applicant submits that the proposed modification of Cavanagh would render the prior art invention being modified in a manner that would make it unsatisfactory for its intended purpose. Under these circumstances there can be no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900 (Fed Cir. 1984).

Even where multiple references may be amenable to being combined for purposes of making a rejection under § 103, an obviousness rejection cannot be sustained absent a suggestion in the prior art of the desirability of the combination. See, e.g., *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990). In this case even if Cavanagh and the other references are combined, there is no suggestion in the references that the invention defined in the independent claims, with the arcuate ridges, would be desirable.

Second, given that Cavanagh fails to teach arcuate ridges at all, the prior art references fail to teach or suggest all of the claim limitations. In order to meet the requirement for some reasonable expectation that the invention would succeed based on a combination of references, Cavanagh would require an improbable modification in order to supply all of the elements of the independent claims. Such a proposed modification to the references cannot be properly asserted as being suggested in the prior art. In this regard, the Court of Appeals for the Federal Circuit has made it clear that "*If the proposed modification would render the prior art*

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invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Finally, there is no reasonable expectation that the invention would be successful from the combination of references applied by the Examiner. If Cavanagh's teaching of spiraled ridges were applied to the teaching of the other references, the claimed arcuate ridges could not be formed.

Applicant submits that for the reasons discussed above, the criteria set forth above for establishing a *prima facie* case of obviousness under 35 USC § 103 have not been met with respect to the independent claims and, therefore, the rejection of claims 1, 10 and 16, and the claims depending therefrom should be reversed.

Furthermore, independent claim 16 and dependent claim 8 are amended to specify that the ridges on one end of the handle are arcuately curved in one direction, and the ridges on the opposite end of the handle are arcuately curved in the opposite direction. Certainly Cavanagh does not teach or suggest this limitation. While Kanzawa discloses grooves having oppositely oriented "V's on either side of the center of the handle, those grooves are linear and not curved, and do not suggest the inventions claimed in claims 8 and 16.

Allowance of all claims in the application is requested. If the Examiner has any questions or needs further information he is requested to contact the undersigned by telephone to expedite issuance.

Respectfully submitted,



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